

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our name.

We believe we are the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY, the specification of which is attached hereto unless the following box is checked:

☒ was filed on April 21, 1999 as United States Application Serial No. 09/296,040.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

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We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
09/095,323	06/10/98	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

17 March 2000
Date Name: Christopher J. Danek
Residence: Santa Clara, California
Citizenship: U.S.A.
Post Office Address: 1370 Warburton Avenue, #8, Santa Clara, CA 95050

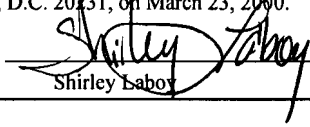
20 March 2000
Date Name: Thomas Keast
Residence: Mountain View, California
Citizenship: U.S.A.
Post Office Address: 860 Park Drive, #3, Mountain View, CA 94040

17 March 2000
Date Name: Bryan Loomas
Residence: Saratoga, California
Citizenship: U.S.A.
Post Office Address: 17751 McKinnon Drive, Saratoga, CA 95070

3-14-00
Date Name: Michael D. Laufer
Residence: Menlo Park, California
Citizenship: U.S.A.
Post Office Address: 1259 El Camino Real, #221, Menlo Park, CA 94025

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on March 23, 2000.


Shirley Labor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

DANEK et al.

Serial No.: 09/296,040

Filing Date: April 21, 1999

For: MODIFICATION OF AIRWAYS BY
APPLICATION OF ENERGY



Examiner: Not Yet Assigned

Group Art Unit: 3739

STATEMENT BY MICHAEL D. LAUFER IN SUPPORT OF
PETITION TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

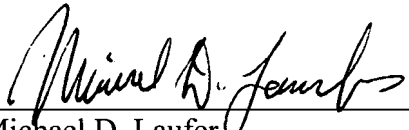
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

I, Michael D. Laufer, declare as follows:

- 1) I reside at 1259 El Camino Real, #211, Menlo Park, California 94025;
- 2) I am an inventor on the above-referenced patent application;
- 3) My name was omitted from the inventorship as originally filed, and this error in inventorship occurred without deceptive intention on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Michael D. Laufer

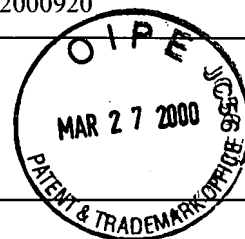
Dated: 3-14-00

Signed at location: Mt. View, CA

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Docket No. 435712000920

In the application of: Christopher J. DANEK et al.
 Serial No.: 09/296,040
 Filed: April 21, 1999
 For: MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY



Broncus Technologies, Inc., a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventors of the patent application identified above for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From :
 To:
 The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

2. From :
 To:
 The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

3. From :
 To:
 The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

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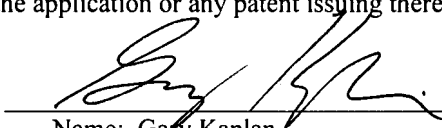
The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

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The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 3/20/00


 Name: Gary Kaplan
 Title: Vice President, Operations

COPY

ASSIGNMENT

THIS ASSIGNMENT, by Michael D. Laufer (hereinafter referred to as the assignor), residing at 1259 El Camino Real, #221, Menlo Park, CA 94025, witnesseth:

WHEREAS, Christopher James Danek, Thomas Keast and Bryan Loomas, are co-inventors in a U.S. Patent Application entitled: MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY, bearing Serial No. 09/296,040 and filed on April 21, 1999, and have previously assigned their rights in the application to Broncus Technologies, Inc., and

WHEREAS, Michael D. Laufer is also a co-inventor of said application and wishes to assign his rights in the application to Broncus Technologies, Inc.; and

WHEREAS, Broncus Technologies, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 1400 N. Shoreline Blvd., Bldg. A, Suite 8, Mountain View, California 94043 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

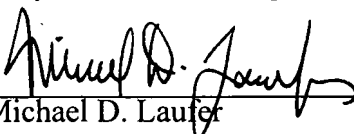
NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is a lawful owner of the entire right, title, and interest in and to said inventions, and the application for Letters Patent above-mentioned, and that said assignor has not unencumbered the same, and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns. Such cost and expense shall include, but is not limited to, lost normal compensation of the respective assignor.

AND said assignor hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

3-14-00
Date


Michael D. Laufer

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Reviewer: Bell-Harris Date: 3/29/00

APPLICATION NO. 09/296,040

1. Petition Type(s) (i.e., 137(b); 137(a))

Code(s) (502, 501, 503, etc):

148

NOTE: Petitions to Expedite require prompt attention and should be brought to the appropriate deciding official's attention.

2. List Papers to be entered on contents of file jacket filed with petition:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

3. Application number on petition agrees with applicant and/or title of invention (this can be verified on PALM or on Netscape) _____ yes _____ no. If application number is not correct, indicate correct application no. _____ and correct on petition/papers filed.

4. Is paper a petition to withdraw holding of abandonment: _____ yes _____ no
If so, send paper and/or file to appropriate location (*Note: remove any flag set first*):

(Circle appropriate)

- a. Nonreceipt of action from TC or assertion that reply was timely filed:
Send paper to TC _____
- b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
Send paper to OIPE-Betty Robinson -CP2-7D25 (PH: 308-0910)
- c. Assertion of timely payment of issue fee and/or submission of drawings:
Send petition to Office of Publications: ATTN: Tom Hawkins
- d. Other _____

5. Information Disclosure Statement:

- a. Is file in the Office of Petitions? _____ yes (if yes, match paper with file)
_____ no (send paper to file location)

6. Other: Send to Tech Ctr 3700 (Handled By Tech Ctr)
If not handled in Office of Petitions, send paper to appropriate location.

7. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? _____ yes _____ no

If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)

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